



Interim and comprehensive behaviour support plan workflow

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What is the issue?

At times, an NDIS participant may choose to stop getting services from one specialist behaviour support provider and then engage a different one. So, what are the obligations of the new provider, particularly when significant behaviour support services have already been provided? It can also raise questions about the most appropriate use of remaining funding.

Why this position matters

This position statement seeks to ensure the continuity of specialist behaviour support services to NDIS participants. It outlines the legislative obligations of newly engaged specialist behaviour support providers when there is an existing behaviour support plan in place for a participant.

We developed it for registered providers of specialist behaviour support as well as NDIS practitioners, but it may also be of interest to anyone who supports a person with disability or provides NDIS supports and services.

What the NDIS Commission says

The legislation does not expressly detail handover arrangements when transitioning between providers. However, the safeguarding principles in the NDIS Act and the obligations under section 19 of the Behaviour Support Rules mean that the newly engaged specialist behaviour support provider must accept these obligations from the point of engagement.

If there is no existing behaviour support plan for a participant, then the specialist behaviour support provider must develop an interim behaviour support plan in the first instance. This is consistent with schedule 3, section 9 of the [NDIS \(Provider Registration and Practice Standards\) Rules 2018*](#), which states that each participant with an immediate need for a behaviour support plan receives an interim behaviour support plan that minimises risk to the participant and others.

Under section 19 of the [Behaviour Support Rules†](#), a specialist behaviour support provider engaged to develop a behaviour support plan must develop an interim behaviour support plan within one month after being engaged, and develop a comprehensive behaviour support plan within 6 months after being engaged. A provider is considered engaged from either the date of the service agreement, or from a later date specified in the service agreement as the start date for developing the plan.

When there is a change in practitioner within the same specialist behaviour support provider, the period within which the behaviour support plan must be developed is from the date the specialist behaviour support provider is engaged. It is not based on the date at which the allocated practitioner changed.

* <https://www.legislation.gov.au/F2018L00631/latest/text>

† <https://www.legislation.gov.au/F2018L00632/latest/text>

What providers must do

What are the obligations when there is an existing interim behaviour support plan?

The newly engaged specialist behaviour support provider may develop a comprehensive behaviour support plan **IF**:

- a. they confirm the existing interim behaviour support plan remains current, is appropriate to the participant's immediate needs and minimises the risk of harm to the participant and/or others; **and**
- b. the implementing provider has confirmed that:
 - » the existing interim plan has been lodged with the NDIS Commission
 - » the plan outlines all regulated restrictive practices (RRPs) being used
 - » the RRP schedule remains accurate, to enable monthly reporting
 - » the use of RRPs is authorised in accordance with any state or territory requirements (however described).

To be clear, under section 19 of the Behaviour Support Rules, a newly engaged specialist behaviour support provider must still ensure that a comprehensive behaviour support plan is developed within 6 months of their engagement, and that comprehensive behaviour support plans are reviewed in accordance with section 22 of those Behaviour Support Rules.

What are the obligations when there is an existing comprehensive behaviour support plan?

The newly engaged specialist behaviour support provider may proceed with providing training and implementation support **IF**:

- a. the newly engaged specialist behaviour support provider:
 - » has NOT been specifically engaged to update the plan
 - » confirms the existing comprehensive behaviour support plan remains current and is appropriate to the participant's needs (i.e. there has not been a change in circumstances that requires the plan to be amended); **and**
- b. the implementing provider has confirmed that:
 - » the existing comprehensive plan has been lodged with the NDIS Commission
 - » the plan outlines all RRPs being used
 - » the RRP schedule remains accurate to enable monthly reporting
 - » the use of RRP is authorised in accordance with any state or territory requirements (however described).

Under section 22 of the Behaviour Support Rules, the specialist behaviour support provider must then review the existing comprehensive plan if there is a change in circumstances, or at least every 12 months from the start date of the plan. They are not required to go back and develop another interim behaviour support plan. These review obligations apply to the specialist behaviour support provider currently engaged, regardless of whether their service agreement specifically requires a review.

What are the other obligations when developing and/or reviewing a behaviour support plan?

Specialist Behaviour Support providers are reminded that they must:

- ◆ ensure the plan includes strategies that are evidence-based, person-centred and proactive and that address the person with disability's needs and the functions of the behaviour
- ◆ ensure the RRPs are clearly identified in the behaviour support plan, authorised by the state or territory body, used as a last resort, used for the shortest time possible, reduce the risk of harm to the person and others, be in proportion to the risk of harm and be the least restrictive option.

- ◆ take all reasonable steps to:
 - » reduce and eliminate the need for the use of RRPs
 - » consider any previous behaviour support assessments and other assessments
 - » make changes within the environment that may reduce or remove the need for the use of RRPs
 - » consult with the person with disability
 - » consult with the person with disability's family, carers, guardian or other relevant person
 - » consult with the registered NDIS provider who may use the RRP and other relevant specialists
- ◆ provide details of the intention to include an RRP in the behaviour support plan, in an appropriately accessible format, to:
 - » the person with disability subject to the plan; and
 - » the person with disability's family, carers, guardian or other relevant person.

Laws and rules that apply

- ◆ [National Disability Insurance Scheme Act 2013](https://www.legislation.gov.au/C2013A00020/latest/text)
[https://www.legislation.gov.au/C2013A00020/latest/text]
- ◆ [National Disability Insurance Scheme \(Provider Registration and Practice Standards\) Rules 2018](https://www.legislation.gov.au/F2018L00631/latest/text) [https://www.legislation.gov.au/F2018L00631/latest/text]
- ◆ [National Disability Insurance Scheme \(Restrictive Practices and Behaviour Support\) Rules 2018](https://www.legislation.gov.au/F2018L00632/latest/text) [https://www.legislation.gov.au/F2018L00632/latest/text]

Where to get more help

- ◆ [Interim and Comprehensive Behaviour Support Plan Templates](#)^{*} – revised BSP templates (V3.0) reflect contemporary evidence-informed practice informed by consultation with people with disability, family members, practitioners, providers, peak bodies and the state and territory restrictive practice authorisation bodies.
- ◆ [Interim and Comprehensive Behaviour Support Plan Checklists](#)[†] – tools that outline good practice and the requirements when developing behaviour support plans.
- ◆ [The Positive Behaviour Support Capability Framework](#)[‡] – outlines the knowledge and skills required to deliver contemporary, evidence-informed behaviour support and is used to consider a practitioner’s suitability.
- ◆ [Policy Guidance](#)[¶] – outlines the NDIS Commissioner’s expectations of providers and NDIS practitioners.
- ◆ [Evidence matters: Developing Quality Behaviour Support Plans](#)[§] – a literature summary by the University of Queensland and funded by the NDIS Commission.
- ◆ [Practice Guides around restrictive practices](#)[#]

* <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/behaviour-support-resources#paragraph-id-9177>

† <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/behaviour-support-resources#paragraph-id-9177>

‡ <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/positive-behaviour-support>

¶ <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/rules-behaviour-support-and#paragraph-id-8379>

§ <https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/how-develop-behaviour-support-plans#paragraph-id-9179>

<https://www.ndiscommission.gov.au/rules-and-standards/behaviour-support-and-restrictive-practices/behaviour-support-resources#paragraph-id-9168>

Key terms

Term or abbreviation	Description
Behaviour Support Rules	National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018 (Cth) *
Comprehensive behaviour support plan	A holistic document that is based on a behaviour assessment (including a functional behaviour assessment). It contains evidence-informed strategies to improve the person's quality of life and support their progress towards positive change. A comprehensive BSP should address the underlying function of the person's behaviour of concern, outline environmental changes required, provide skill development programs to help the person learn new behaviours, and include response strategies to be followed when the behaviour of concern occurs. The plan also identifies when and how any regulated restrictive practices are to be reduced and eliminated.
Implementing provider	An NDIS provider who, in the course of delivering NDIS supports, implements behaviour support plans and/or uses a regulated restrictive practice.
Interim behaviour support plan	A short document that contains general preventative and responsive strategies designed to keep the person with disability and others safe. It clearly describes the behaviours of concern and includes protocols to follow to minimise the risk of harm. It also identifies if, when and how any regulated restrictive practices are to be applied. An interim BSP focuses on safeguarding and risk mitigation while a functional behavioural assessment is undertaken and a comprehensive BSP is developed with the person with disability.
NDIS Act	The National Disability Insurance Scheme Act 2013 †
Participant	A person with disability who is a participant in the National Disability Insurance Scheme (NDIS). They have an NDIS plan and use the funding in that plan to purchase supports and services.
Regulated Restrictive Practice (RRP)	A restrictive practice is a regulated restrictive practice if it is or involves any of the 5 types of restrictive practices subject to regulation and oversight by the NDIS Commission: (a) seclusion; (b) chemical restraint, (c) mechanical restraint, (d) physical restraint; (e) environmental restraint.
Specialist behaviour support provider	A registered NDIS provider whose registration includes Module 2, the provision of specialist behaviour support services (i.e. registration group 110)

* <https://www.legislation.gov.au/F2018L00632/latest/text>

† <https://www.legislation.gov.au/C2013A00020/latest/versions>